IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO. 29 OF 2005

Mr.Pradip Mirchandani. ...Appellant
V/s.
Mrs.Minal Pradip Mirchandani & Anr. ...Respondents

Mr.H. Advani, Sr.Counsel with Mr.Asif Lampwala, Ms.Deepti Chand & Leon Samuel i/b. M/s.Advani & Co. for Appellant.
Mr.Haresh Jagtiani i/b. M/s.Haresh Jagtiani & Co. for Respondent No.1.

CORAM : H.L. GOKHALE AND
SMT.R.S. DALVI, JJ.
DATED : OCTOBER 24, 2005

P.C. :-

. Heard Mr.Advani in support of this appeal. Mr.Jagtiani appears for the first respondent.

2. The main appeal is directed against the decision of the Family Court at Pune which has dismissed the divorce petition filed by the appellant-husband. Mr.Jagtiani appearing for the first respondent fairly states that the marriage has broken down irretrievably and the first respondent has no objection to divorce being granted under Section 13(B) of the Hindu Marriage Act. In the circumstances, the petition which was filed in the Family Court at Pune will stand converted to one

under Section 13(B) of the Hindu Marriage Act. It will be treated as a petition only under that section. The marriage between the parties by consent will stand dissolved under Section 13(B) of the Hindu Marriage Act.

3. Although the issue of divorce between the parties is, thus, resolved amicably, the contest between them for receiving the custody of the two children remains. That aspect will be considered on the next date by the Regular Court. The grievances of either of the parties in respect of their conduct to the extent they are relevant for the purposes of custody will be permitted to be raised by them when the question of custody of the children is examined by the Court.

4. The matter be notified for directions before the Regular Court on 21st November, 2005 when the Court will decide as to when the appeal will be heard finally.

(H.L. GOKHALE, J.)

(SMT.R.S. DALVI, J.)